BS

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,253	12/20/2000	Hong Yang	155698-0004	9514

22242   7590   10/25/2004

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER
DETWILER, BRIAN J

ART UNIT	PAPER NUMBER
2173	7

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 September 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

No. 6,151,059 (Schein et al) and U.S. Patent No. 6,714,218 (Bian).

Referring to claim 1, Schein discloses in column 1: lines 60-67 and column 2: lines 1-28

a method embodied in an entertainment system wherein programming data is received for a show

and displayed on a screen page. Schein further discloses in column 11: lines 65-67 and column

12: lines 1-23 steps for zooming in and out on a particular feature of the programming data to

obtain more or less detailed information respectively. While Schein's method fails to disclose

literally scaling a particular feature of the programming data, it effectively teaches a conceptual

scaling of programming data to obtain a desired level of detail. Schein, however, fails to

disclose providing a scaling factor of the particular feature. Bian, though, discloses in column 4:

lines 10-38 a user interface for scaling selected portions of a graphical display. Bian explains in

this section that a user first selects a portion of the display to be scaled and then enters a

corresponding scaling factor. Bian further explains in column 1: lines 5-18 that scaling is a

beneficial feature for the visually impaired and for users that wish to enlarge or magnify a

display for a clearer or more detailed visual image. Accordingly, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to provide a scaling factor for

at least one feature as taught by Bian in combination with Schein's method of presenting

programming data because it would have been advantageous to scale particular features of the

programming data to benefit the visually impaired or users wising to enlarge or magnify the

display for clearer or more detailed visual images.

Referring to claim 2, Bian discloses in column 4: lines 10-38 displaying the selected

portion according to the scaling factor.

Referring to claim 3, there must inherently exist a range associated with the scaling factor

provided by Bian because the processing system and the display will always be limited to some

degree.

Referring to claim 4, Bian discloses in column 4: lines 26-28 providing a default scaling

factor.

Referring to claim 5, Schein discloses in column 11: lines 65-67 and column 12: lines 1-

23 providing an increment factor of one for zooming in and out on a particular feature.

Referring to claim 6, Schein discloses a screen menu [208-211] in Figure 1 and a

program description [209d] in Figure 12.

Referring to claim 7, Schein discloses in column 11: lines 65-67 and column 12: lines 1-

23 selecting items in the screen menu.

Referring to claims 8-10, Schein discloses a menu comprising a plurality of icons [208-

211] in Figure 1 wherein selection of one of the icons results in zooming in or out of

corresponding programming information. In combination with the aforementioned teachings of

Bian, one or more similar icons could be used to scale selected features and to provide the

scaling factor.

Referring to claim 11, Schein discloses in Figure 2 a display monitor [38], a broadcast receiver [36] coupled to the display monitor and including a front-end unit capable of receiving programming data associated with a show broadcast for viewing on the display monitor [38]. Said broadcast receiver further includes a memory and cpu for displaying at least some of the programming data as illustrated in Figure 1. Schein further discloses in column 11: lines 65-67 and column 12: lines 1-23 steps for zooming in and out on a particular feature of the programming data to obtain more or less detailed information respectively. While Schein's method fails to disclose literally scaling a particular feature of the programming data, it effectively teaches a conceptual scaling of programming data to obtain a desired level of detail. Schein, however, fails to disclose providing a scaling factor of the particular feature. Bian, though, discloses in column 4: lines 10-38 a user interface for scaling selected portions of a graphical display. Bian explains in this section that a user first selects a portion of the display to be scaled and then enters a corresponding scaling factor. Bian further explains in column 1: lines 5-18 that scaling is a beneficial feature for the visually impaired and for users that wish to enlarge or magnify a display for a clearer or more detailed visual image. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a scaling factor for at least one feature as taught by Bian in combination with Schein's method of presenting programming data because it would have been advantageous to scale particular features of the programming data to benefit the visually impaired or users wising to enlarge or magnify the display for clearer or more detailed visual images.

Referring to claim 12, Bian discloses in column 4: lines 10-38 displaying the selected portion according to the scaling factor.

Referring to claim 13, there must inherently exist a range associated with the scaling factor provided by Bian because the processing system and the display will always be limited to some degree.

Referring to claim 14, Bian discloses in column 4: lines 26-28 providing a default scaling factor.

Referring to claim 15, Schein discloses in column 11: lines 65-67 and column 12: lines 1-23 providing an increment factor of one for zooming in and out on a particular feature.

Referring to claim 16, Schein discloses a screen menu [208-211] in Figure 1 and a program description [209d] in Figure 12.

Referring to claim 17, Schein discloses in column 11: lines 65-67 and column 12: lines 1-23 selecting items in the screen menu.

Referring to claims 18-20, Schein discloses a menu comprising a plurality of icons [208-211] in Figure 1 wherein selection of one of the icons results in zooming in or out of corresponding programming information. In combination with the aforementioned teachings of Bian, one or more similar icons could be used to scale selected features and to provide the scaling factor.

Referring to claims 21, 24, and 27, Schein discloses in Figure 1 a method for receiving, generating, and displaying a programming guide on a screen page. Schein further discloses in column 11: lines 65-67 and column 12: lines 1-23 steps for zooming in and out on a particular feature of the programming data to obtain more or less detailed information respectively. While Schein's method fails to disclose literally scaling a particular feature of the programming data, it effectively teaches a conceptual scaling of programming data to obtain a desired level of detail.

Schein, however, fails to disclose providing a scaling factor of the particular feature. Bian, though, discloses in column 4: lines 10-38 a user interface for scaling selected portions of a graphical display. Bian explains in this section that a user first selects a portion of the display to be scaled and then enters a corresponding scaling factor. Bian further explains in column 1: lines 5-18 that scaling is a beneficial feature for the visually impaired and for users that wish to enlarge or magnify a display for a clearer or more detailed visual image. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a scaling factor for at least one feature as taught by Bian in combination with Schein's method of presenting programming data because it would have been advantageous to scale particular features of the programming data to benefit the visually impaired or users wising to enlarge or magnify the display for clearer or more detailed visual images.

Referring to claims 22, 23, 25, 26, and 28, Bian discloses in columns 4: lines 10-38 first and second prompts for selecting a portion of the display to be scaled and for selecting a scaling factor respectively.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach

alternative means for presenting programming information.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

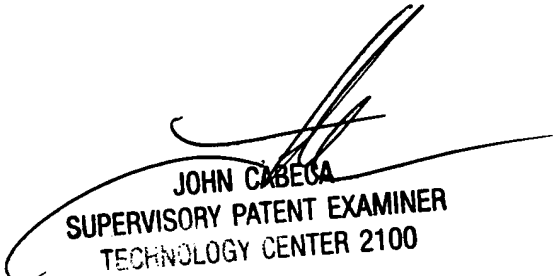Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian J. Detwiler whose telephone number is 703-305-3986

through October 20, 2004. The examiner's phone number thereafter will be 571-272-4049. The

examiner can normally be reached Monday through Thursday from 8am-5:30pm and alternating

Fridays from 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W. Cabeca can be reached at 703-308-3116 through October 20, 2004. Mr.

Cabeca will be reachable at 571-272-4048 after October 20th. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100